



Fw: Virginia WIP Evaluation and Development Status

Ann Carkhuff to: Lucinda Power

11/29/2010 12:59 PM

History: This message has been replied to.

Lucinda,

As requested, I apologize for not sending you this sooner.

Ann

----- Forwarded by Ann Carkhuff/R3/USEPA/US on 11/29/2010 12:58 PM -----

From: Jeffrey Corbin/R3/USEPA/US
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Date: 11/22/2010 09:24 PM
Subject: Virginia WIP Evaluation and Development Status

Anthony, David, Dave, and Matt -

I sincerely thank you for your time and attention, and that of many of your staff, over the past two months to develop and improve Virginia's final Phase I Watershed Implementation Plan (WIP). The personal involvement and attention of senior management to this matter is evidence of Virginia's intentions to develop a final plan that fully meets EPA's expectations, but does so in a manner that is suitable to Virginia. In addition to our weekly meetings for the last six weeks, staff of EPA and Virginia agencies have been working closely and collaboratively on a number of technical issues. I greatly appreciate that effort and am hopeful that it will continue over the next week leading up to the November 29 deadline for final WIP submittals.

I am pleased to report that EPA is seeing marked improvements in the narrative portions of the majority of the jurisdiction's plans and input decks that we have reviewed in recent weeks. Input decks are now meeting, or coming much closer, to the July 1 and August 13 nutrient and sediment allocations. Revised narrative portions meet more of EPA's expectations for demonstrating reasonable assurance in particular sectors and we hope that improvements in the final plans will be substantive enough so that backstop allocations can be relaxed or possibly even removed for some jurisdictions in the final TMDL. However, EPA will not be able to remove all backstop allocations based on a lack of reasonable assurance until some key improvements in certain sectors are addressed.

We hope to provide you with the results of your most recent input deck submission in the next day or so. Also, based on our discussions during our meeting in Washington, DC last Friday, it is my understanding that Virginia will provide us this week with yet another input deck that encompasses the needed point source wasteload allocations for the James River. We are committed to providing you with Bay Watershed Model results from that revised submission as soon as possible.

As I have emphasized during many of our discussions, it would be extremely helpful to EPA's review of Virginia's final WIP, and Virginia's efforts to complete the remaining revisions to the plan, if you could provide us with draft language for the various sectors. Doing so would provide us the opportunity to provide you with feedback prior to submission of the final plan. Based on Friday's discussion, I am encouraged that we have made significant progress regarding the ability to provide reasonable assurance for both the agriculture and stormwater sectors. Virginia has agreed to provide EPA draft language for the agriculture sector this week, and I encourage the Commonwealth to provide a revised stormwater section for EPA review prior to November 29. EPA also provided DEQ today additional comments on the proposed expansion of Virginia's Nutrient Credit Exchange program and on Virginia's policy and

intentions for offsetting new or increased loadings of nutrients and sediment from point and nonpoint sources.

As you know, due to deficiencies in Virginia's draft WIP, EPA included backstops for the wastewater, stormwater and agriculture (CAFO/AFO) sectors in the draft TMDL. Removal of these backstops remains a priority for EPA and is the reason that we have engaged so extensively with Virginia, and all of the Bay jurisdictions, over the last several months. While I am encouraged by the discussions we have had thus far, our final review and decision regarding backstop actions will be based on the plan submitted on November 29. Again, providing us the opportunity to review, and provide feedback on, draft language prior to that time would be extremely helpful.

I have attached a brief summary of the status of where our discussions currently stand with regards to remaining major technical and policy issues.

Thank you again for working so constructively with EPA as we approach the deadline for submittal of final Watershed Implementation Plans and establishment of the final Bay TMDL. Please do not hesitate to contact me or Ann Carkhuff if you wish to discuss any issues further. We look forward to reviewing your final WIP on November 29.

Thanks...jc



VA WIP Closure Mtg Summary 112210.doc

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